

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

\_\_\_\_\_  
OUMAR ABDALLAH  
6326 Bingham Street, Apt # 5  
Philadelphia, PA 19111

Plaintiff,

v.

\_\_\_\_\_  
ALLEGHENY VALLEY SCHOOL  
1996 Ewings Mill Road  
Coraopolis, PA 15108-3380  
and  
STAFFING PLUS INC.  
551 W. Lancaster Avenue  
Haverford, PA 19041

\_\_\_\_\_  
Defendants.  
\_\_\_\_\_

CIVIL ACTION

No.: \_\_\_\_\_

**JURY TRIAL DEMANDED**

**CIVIL ACTION COMPLAINT**

Plaintiff, by and through his undersigned counsel, hereby avers as follows:

**I. INTRODUCTION**

1. This action has been initiated by Oumar Abdallah (hereinafter referred to as "Plaintiff," unless indicated otherwise) for violations of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 ("Title VII" - 42 U.S.C. §§ 2000e, *et. seq.*). As a direct consequence of Defendants' unlawful actions, Plaintiff seeks damages as set forth herein.

**II. JURISDICTION AND VENUE**

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims because this civil action arises under laws of the United States.

3. This Court may properly maintain personal jurisdiction over Defendants because Defendants' contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial

justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district, and in addition, Defendants are deemed to reside where they are subject to personal jurisdiction, rendering Defendants residents of the Eastern District of Pennsylvania.

### **III. PARTIES**

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiff is an adult individual, with an address as set forth in the caption.

7. Defendant Allegheny School (hereinafter "Defendant School") consists of group homes offering people with intellectual and developmental disabilities an opportunity to live with peers in homes located in areas throughout greater Philadelphia.

8. Defendant Staffing Plus Inc. (hereinafter "Defendant Staffing") is a staffing agency that places employees within employers in the greater Philadelphia area (and further).

9. Defendant Staffing was unquestionably Plaintiff's employer, as he was hired by this entity, employed by this entity, paid by this entity, required to follow its directions, and directed where to work by this entity.

10. Defendant School is unquestionably a joint employer of Plaintiff because Plaintiff was placed at this entity to work for approximately 1 year on a full-time basis wherein he was treated as employee, directed by management of this entity on a daily basis, and required to follow directions and policies of this employer during his tenure with Defendant School. Defendant School further participated in and/or directed Plaintiff's termination from Defendants.

11. At all times relevant herein, Defendants acted by and through their agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

#### IV. FACTUAL BACKGROUND

12. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

13. Plaintiff is a black male who was born in Africa and raised Muslim, which is part of his ethnicity.

14. Plaintiff was hired by Defendant Staffing and placed by this entity to physically work for Defendant Allegheny.

15. Plaintiff was employed by Defendants for approximately 1 year.

16. Plaintiff worked for Defendants as a residential aide and was assigned to Defendant School's location at 3190 Tremot Avenue, Trevose, PA.

17. Plaintiff prays at different occasions throughout any given day and does so for very short intervals (usually 3-5 minutes) due to his religious beliefs and in accordance with his religion.

18. During Plaintiff's employ with Defendants, Plaintiff used his own breaks to engage in his daily prayers, which was known to his immediate supervisors.

19. On or about Plaintiff's last day of work with Defendants, August 4, 2009, Plaintiff was directed by Monica (last name unknown), a director, to stop praying in the middle of one his prayers (in a room that was empty and not being utilized for any purpose).

20. On his last day of work, after being interrupted, Plaintiff had informed Monica that he prayed for very short periods of time and that he did so on his own break time.

21. Plaintiff was directed to stop praying immediately and to leave the room, at which time he was given permission to use another area by another supervisor to complete his prayer.

22. When Monica saw Plaintiff using another area to complete his prayer on his last day of employment, she was visibly upset.

23. Plaintiff informed Monica that other managers told her it was okay for him to engage in his daily prayers, but Plaintiff was terminated for alleged insubordination.

24. Monica had also made discriminatory remarks towards Plaintiff indicating that Christians (such as herself) don't pray during workdays.

**Count I**  
**Violations of Title VII of the Civil Rights Act of 1964 ("Title VII")**  
**(Religious Discrimination & Retaliation – Wrongful Termination)**  
**- Against Both Defendants -**

25. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

26. Plaintiff was terminated by Defendants because of his religion (Muslim) and/or because he requested a religious accommodation.

27. Plaintiff was also denied a religious accommodation that was reasonable and not an undue burden by Defendants.

28. These actions as aforesaid constitute violations of Title VII, and Plaintiff has properly exhausted his administrative remedies to proceed under Title VII herein by timely filing a Charge with the EEOC and by filing the instant lawsuit within 90 days of receiving a right-to-sue letter and/or notice of case closure.

**Count II**  
**Violations of the Pennsylvania Human Relations Act ("PHRA")**  
**(Religious Discrimination & Retaliation – Wrongful Termination)**  
**- Against Both Defendants -**

29. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

30. Plaintiff was terminated by Defendants because of his religion (Muslim) and/or because he requested a religious accommodation.

31. Plaintiff was also denied a religious accommodation that was reasonable and not an undue burden by Defendants.

32. These actions as aforesaid constitute violations of the PHRA, and Plaintiff has properly exhausted his administrative remedies to proceed under the PHRA herein by timely filing a Charge with the PHRC and by filing the instant lawsuit more than 1 year after having filed his Charge with the PHRC.

**Count III**  
**Violation of 42 U.S.C. Section 1981**  
**(Racial Discrimination – Wrongful Termination)**  
**- Against Both Defendants -**

33. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

34. Plaintiff was terminated because of his race, ethnic characteristics and/or ancestry, as his religion is part of same.

35. Plaintiff's termination therefore constitutes a violation of 42 U.S.C. Section 1981.

**WHEREFORE**, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to promulgate and adhere to a policy prohibiting discrimination in the future against any employee(s);

B. Defendants are to compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendants' illegal actions, including but not limited to back pay, front pay, salary, pay increases, bonuses, insurance, and benefits.

C. Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering, and humiliation caused by Defendants' actions;

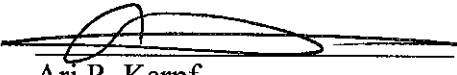
D. Plaintiff is to be awarded punitive damages as permitted by applicable law in an amount believed by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious, and outrageous conduct and to deter Defendants or other employers from engaging in such misconduct in the future;

E. Plaintiff is to be accorded other equitable and legal relief as the Court deems just, proper, and appropriate; and

F. Plaintiff is to be awarded the costs and expenses of this action and a reasonable attorney's fees as provided by applicable federal and state law.

Respectfully submitted,

**KARPF & KARPf, P.C.**

By:   
Ari R. Karpf  
3070 Bristol Pike  
Bldg. 2, Ste. 231  
Bensalem, PA 19020

Date: September 27, 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Oumar Abdallah

CIVIL ACTION

Allegheny Valley School, et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

9/27/2010

Date

(215) 639-0801

Telephone

Ari R. Karpf

Attorney-at-law

(215) 639-4970

FAX Number

Plaintiff

Attorney for

akarpf@karpf-law.com

E-Mail Address

THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be completed and filed to indicate the category of the case for the purpose of  
sent to appropriate calendar.  
Plaintiff: 6320 Bingham Street, Apt #5, Philadelphia PA 19111  
Defendant: 1990 Ewing Mill Rd, Cotaopolis PA 15108  
551 W. Lancaster Ave, Haverford PA 19041

Accident, Incident or Transaction: DEFENDANTS PLACE OF BUSINESS  
Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
Yes ☐ No ☒

Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a).  
Yes ☐ No ☒  
Does this case involve multidistrict litigation possibilities?  
ATTENDED CASE, IF ANY:  
Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Cases are deemed related when yes is answered to any of the following questions:  
Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒  
Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒  
Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

- FILE (Place ☒ in ONE CATEGORY ONLY)
- Federal Question Cases:
- ☐ Indemnity Contract, Marine Contract, and All Other Contracts
  - ☐ FELA
  - ☐ Jones Act Personal Injury
  - ☐ Antitrust
  - ☐ Patent
  - ☐ Labor-Management Relations
  - ☒ Civil Rights
  - ☐ Habeas Corpus
  - ☐ Securities Act(s) Cases
  - ☐ Social Security Review Cases
  - ☐ All other Federal Question Cases (Please specify)
- B. Diversity Jurisdiction Cases:
- ☐ Insurance Contract and Other Contracts
  - ☐ Airplane Personal Injury
  - ☐ Assault, Defamation
  - ☐ Marine Personal Injury
  - ☐ Motor Vehicle Personal Injury
  - ☐ Other Personal Injury (Please specify)
  - ☐ Products Liability
  - ☐ Products Liability — Asbestos
  - ☐ All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION  
(Check appropriate Category)  
I, Ari R. Karpf, counsel of record do hereby certify:  
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
☐ Relief other than monetary damages is sought.  
DATE: 9/27/2010  
Attorney-at-Law: [Signature]  
Attorney ID #: 91538 ARK2484

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.  
I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.  
DATE: 9/27/2010  
[Signature]  
Attorney ID #: 91538 ARK2484



JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

ABDALLAH, OUMAR

(b) County of Residence of First Listed Plaintiff Philadelphia

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Karpf & Karpf, P.C., 3070 Bristol Pike, Building 2 Suite 231,  
Bensalem PA 19020, (215) 639-0801, akarpf@karpf-law.com

**DEFENDANTS**

ALLEGHENY VALLEY SCHOOL, et al.

County of Residence of First Listed Defendant Allegheny

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
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**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
 42 USC 1981 and Title VII of the Civil Rights Act of 1964 (42 USC 2000e)

Brief description of cause:  
 Violations of 42 USC 1981 and 42 USC 2000e.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

9/27/2010

DATE

SIGNATURE OF ATTORNEY OF RECORD